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*Attorneys for Defendants
Shopify Inc. and Shopify (USA) Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MY CHOICE SOFTWARE, LLC, a California limited liability company, individually, and on behalf of all others similarly situated,

Plaintiff.

vs.

SHOPIFY, INC., a Canadian Corporation; SHOPIFY (USA) INC., a Delaware Corporation; TASKUS, INC. a Delaware Corporation; and DOES 1 through 100, inclusive,

Defendants.

Case No. 3:23-cv-02687

DECLARATION OF SOURABH MISHRA IN SUPPORT OF DEFENDANT SHOPIFY INC.'S NOTICE OF REMOVAL TO FEDERAL COURT

Complaint Filed: September 16, 2022

1 DECLARATION OF SOURABH MISHRA
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I, Sourabh Mishra, declare as follows:

4 1. I am an attorney at law duly licensed to practice in the State of California.
5 I am a counsel at the law firm of Hueston Hennigan LLP, and counsel of record for
6 Defendant Shopify Inc. in the above-captioned matter. I have personal knowledge of
7 the facts set forth in this Declaration and, if called as a witness, I could and would
8 testify competently to such facts under oath.

9 2. I submit this Declaration in support of Defendant Shopify Inc.’s Notice
10 of Removal, which is filed concurrently herewith.

11 3. On September 16, 2022, plaintiff My Choice Software, LLC (“MCS”)
12 filed a civil action in the Superior Court of the State of California for San Francisco
13 County entitled *My Choice Software, LLC, v. Shopify Inc., Shopify (USA) Inc., TaskUs*
14 *Inc., and Does 1 through 100*, Case No. CGC-22-601842 (the “State Court Action”).
15 On April 24, 2023, MCS served Shopify Inc. with a Notice and Acknowledgement of
16 Receipt of Service and a copy of the Summons, Civil Cover Sheet, and Complaint. A
17 true and correct copy of all process, pleadings, and orders served on Shopify Inc. in
18 the State Court Action are attached hereto as **Exhibit A**.

19 4. On September 16, 2022, MCS filed a separate civil action in the Central
20 District of California entitled *My Choice Software, LLC v. TaskUs, Inc.*, Case No.
21 8:22-cv-01710-DOC-DFM (C.D. Cal.) (the “Federal Case”). A true and correct copy
22 of the First Amended Complaint in the Federal Case is attached hereto as **Exhibit B**.

23 5. On May 1, 2023, the parties in the Federal Case had a hearing before
24 Judge David O. Carter to discuss the defendants’ pending motions to dismiss. A true
25 and correct copy of the transcript of that hearing is attached hereto as **Exhibit C**.

26 6. On May 12, 2023, Shopify Inc. executed and returned a Notice and
27 Acknowledgement of Receipt of Service. A true and correct copy of the executed
28 Notice and Acknowledgement of Receipt of Service is attached hereto as **Exhibit D**.

1 7. On May 18, 2023, Judge Carter issued a written order dismissing Shopify
2 Inc. and Shopify USA from the Federal Case with prejudice. A true and correct copy
3 of the order is attached hereto as **Exhibit E**.

4 8. On May 5, 2022, Shopify Inc. and Shopify USA sent a letter to MCS's
5 counsel requesting that MCS dismiss its claims against them in this Action due to the
6 enforceable forum selection clause and because Judge Carter's dismissal order has
7 preclusive effect. A true and correct copy of the order is attached hereto as **Exhibit F**.

I declare under penalty of perjury that the foregoing is true and correct.

0 | Dated: May 31, 2023

HUESTON HENNIGAN LLP

By: Sourabh Mishra

Sourabh Mishra

Attorney for Defendants
Shopify, Inc. and Shopify USA, Inc.